

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 685

Introduced by Assembly Member Leno

February 19, 2003

An act to add Section 1246.3 to the Business and Professions Code relating to health care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 685, as amended, Leno. HIV counselors: HIV rapid tests.

Under existing law it is unlawful for a person to perform venipuncture, skin puncture, or arterial puncture to collect a biological specimen, unless authorized to do so, and a violation of this prohibition is subject to criminal penalties. Existing law authorizes the State Department of Health Services to participate in a rapid immunodeficiency virus test research program conducted with the federal Centers for Disease Control and ~~prevention~~ *Prevention*.

This bill would, notwithstanding any other law, authorize an unlicensed HIV counselor, as defined, to perform ~~venipuncture or skin puncture~~ for the purpose of performing a rapid human immunodeficiency virus test for the program.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1246.3 is added to the Business and
2 Professions Code, to read:

3 1246.3. (a) Notwithstanding any other provision of law, an
4 unlicensed HIV counselor may perform ~~venipuncture or skin~~
5 puncture for the purpose ~~or~~ of performing a rapid human
6 immunodeficiency virus test pursuant to Section 120917 of the
7 Health and Safety Code.

8 (b) For purposes of this section, “HIV counselor” means a
9 person who meets *any one of* the following requirements:

10 (1) He or she is trained by the Office of AIDS and is working
11 in an HIV counseling and testing site funded by the department
12 through a local health jurisdiction, or its agent.

13 (2) He or she is trained by programs that are funded by the
14 Centers for Disease Control *and Prevention* and use Office of
15 AIDS curriculum.

16 (3) He or she is trained by the Office of AIDS and works in
17 another state agency.

18 SEC. 2. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety
20 within the meaning of Article IV of the Constitution and shall go
21 into immediate effect. The facts constituting the necessity are:

22 In order to authorize more personnel to participate in
23 performing HIV tests as soon as possible, it is necessary that this
24 act take effect immediately.

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